

AMENDMENTS TO THE DRAWINGS

The attached sheet(s) of drawings includes changes to figures 1-15.

Attachment: Replacement sheet

IV. Information Disclosure Statement

Applicant notes that the IDS submitted September 1, 2005 complies with 37 CFR 1.98(a)(1) as providing an SB/08 form with all documents listed for consideration. The Examiner has not provided to Applicant the specific detail that is the cause of the rejection of the document, since an SB/08 is a USPTO approved form and the form lists thereon all documents for consideration.

Further, attached as Exhibit A, is the return postcard stamped by the USPTO noting the receipt of the Information Disclosure Statement, SB/08 and references. Applicant notes that a stamped return postcard is *prima facie* evidence that the SB/08 was received by the Patent Office. Thus, the Information Disclosure Statement filed September 1, 2005 was complete and should be afforded its mailing date. Applicant provides herewith another copy of the SB/08 mailed September 1, 2005 for the Examiner's convenience. Accordingly, Applicant respectfully requests that the references in the September 1, 2005 IDS should be considered, the SB/08 should be initialed, and no fee is due.

V. Rejection under 35 U.S.C. § 102(b)

Claim 1 is rejected under 35 U.S.C. § 102 (b) as being anticipated by Diaz (US Pat. No. 5,139,163). Applicant respectfully traverses the rejection.

According to the Examiner, Diaz discloses a cap that covers the top face of the container by attaching below a seam of the container. However, Diaz teaches a completely different gripping means by allowing a snap fit between the lid (element 22) and cover body (element 20). *See* Figure 1; col. 6, lines 13-18. Diaz fails to teach or suggest a cap that engages the container itself to reseal.

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that does not engage the container. Deline describes a seal that does not even include resealing properties; the sealing structure alters upon removal and cannot reseal the container. *See* col. 2, lines 61-68, col. 3, lines 1-3.

Therefore, Diaz alone, or in combination with Deline, or with any art of record, does not suggest the features of claims 1 or 2. At least for these reasons, and since claim 2 depends directly from claim 1, Diaz in view of Deline, does not render claim 2 obvious. Applicant respectfully requests that the rejection be withdrawn.

Attorneys/Agents For Applicant